



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,202	01/23/2004	Leo M. Pedlow JR.	SNY-T5708.01	8093
24337 7590 06/20/2008 MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606				
EXAMINER				
CHIN, RICKY				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
06/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed May 5, 2008 have been fully considered but they are not persuasive.

Applicant argues that there is no teaching, suggestion, motivation or articulated reasoning as to why one of ordinary skill in the art would find it obvious to combine the teachings of Son and Candelore. The examiner respectfully disagrees. Although it is realized that Son teaches separate embodiments, Son does not explicitly state that the embodiments are mutually exclusive. Thus, it is realized that there may exist the need for the ability to transmit the multiple forms of encryption based upon the type of STB used by the subscriber since it make no sense to transmit content via the pass through or re-encrypt process under a particular encryption system if the STB could not decrypt that particular encrypted system. Although Son does not explicitly teach of the determining feature of determining the encryption system used on the STV, Candelore ([0012]) discloses a conditional access encryption system and the need/benefits of such a system. As Candelore discloses, there exists a significant problem when a cable operator wishes to utilize decoder equipment such as STBs from multiple vendors as each vendor generally uses its own conditional access encryption method (Candelore, [0012] and [0019]). Moreover, since VOD content storage is limited, duplicating content so that it may be available to both legacy and non-legacy CA's may not be practical (because of a

lack of space) or economical (cost of storage). Therefore it would have been obvious to one of ordinary skill in the art to have combined the teachings of Son with that of Candalore for providing security of video programming content for a multitude of different manufactured STB's using one or more encryption systems as to accommodate the needs of cable operators wishing to utilize STBs from different vendors thereby integrating the multiple manufacturers into a single system, and thus freeing the cable company to competitively shop for providers of STB's, all the while being more efficient in the storage of VOD content (Candalore, [0012] and [0019]) .

With regards to claim 20, applicant argues that the combination of Son and Candalore does not teach of comprising a billing system database to determine capabilities of a STB in order for determining that the subscriber terminal is able to decrypt content encrypted under the first encryption system or the second encryption system. The examiner respectfully disagrees. Candalore ([0026]) discloses that when VOD content is ordered by a subscriber that the cable system using registration information stored at the cable head end for each STB determines what type of STB is associated with the order and thus what type of CA encryption system is used by the ordering STB. Furthermore, Candalore discloses that as a result of the order of the VOD content, a bill is sent to the subscriber for the VOD content. Thus, a database exists comprising of at least a sub-database for determining the encryption type used by the ordering STB using stored registration information and being directly communicative with a billing database for being able to send out billing data, thereby meeting the

claim limitation of determining the encryption system used carried out by reference to a database comprising of a billing system database.

With regards to the Request for removal of the finality of the Office Action, applicant argues that claim 21 in particular merely corrects the antecedent basis of selection ("a" changed to "the"). However, by merely changing "a" which can mean any content to "the" which specifically points out what content, the claim is further limited, therefore necessitating the new grounds of rejection and rendering the finality of the Office Action proper.

Contact

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Art Unit: 2623

Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ricky Chin/
Patent Examiner
AU 2623
(571) 270-3753
Ricky.Chin@uspto.gov

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623